

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jamariyo Drane,

Petitioner,

v.
Warden, Corrections Reception
Center, et al.,

Case NO. 2:18-cv-126

Respondents.

ORDER

Petitioner filed the instant habeas corpus petition pursuant to 42 U.S.C. §2241, alleging that he is wrongfully detained due to the decision of the Ohio Adult Parole Authority finding that he violated the terms of his post-control release and sentencing him to serve 229 days. This matter is now before the court on the March 2, 2018, report and recommendation of the magistrate judge. The magistrate judge concluded that regardless of whether petitioner's claims are addressed under §2241 or 42 U.S.C. §2254, the petition should be dismissed without prejudice as unexhausted.

The report and recommendation specifically advised the parties that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation "will result in a waiver of the right to have the district judge review the *Report and Recommendation de novo*," and also operates as a waiver of the right to appeal the decision of the district court. Doc. 4, p. 8. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

The court agrees with the report and recommendation (Doc. 4) and it is hereby adopted. This action is dismissed without

prejudice due to petitioner's failure to exhaust state remedies.

Date: March 30, 2018

s/James L. Graham
James L. Graham
United States District Judge